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UNITED STATES OF AMERICA.

THE DANGEROUS
Condition of the Country,
THE CAUSES
WHICH HAVE LED TO IT,
AND THE
DUTY OF THE PEOPLE.



BY A MARYLANDER.

BALTIMORE :
THE SUN BOOK AND JOB PRINTING ESTABLISHMENT.
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K.K. June 26-11

In the preparation of the annexed pamphlet the writer was governed exclusively by patriotic motives. He believes his country to be in peril, and his object is to exhibit what he thinks are its causes. This he has done with no regard to any mere party success, but to serve the whole country. By awakening the people to the dangers impending over our free institutions, he hopes to satisfy them that it is their duty at once to adopt such a course as is necessary to prevent such institutions from being destroyed or impaired.

Baltimore, October, 1867.

In the second edition of this pamphlet the undersigned deems it proper to state that he is the writer. It was not his original purpose to have this known. Secrecy, however, upon such a subject, it is almost impossible to preserve; and it having, to a great extent, proved to be the case in the present instance, it is useless further to attempt concealment.

REVERDY JOHNSON.

Baltimore, November 4th, 1867.

The Condition of the Country.

I.—No reflecting citizen can be insensible to the dangerous condition of the country. It affects injuriously every interest, private and public. It palsies industry in all its branches, and shakes the financial credit of the Government; and whilst it lessens the means of meeting its demands, it renders more oppressive the burthen of taxation. It paralyzes commerce, without whose healthful condition the nation cannot prosper. Our fathers thought, and experience has clearly proved it to be true, that without a real union of all the States, and they and their people possessing equal rights, the nation could not prosper. With that view they adopted the Constitution of the General Government. They clothed it with all the powers necessary to its preservation, and designed it to be perpetual. In the language of its preamble their object was to “secure the blessings of liberty to *themselves* and *their* posterity.” One of the cardinal principles of the Government thus formed is the equality of the States. Its very existence depends upon the continuance of that equality. They are made equal in the Senate as to representation without regard to population, and in the House of Representatives, according to population. They and their people are alike secured in the benefits of the judicial department, and in every State and personal guarantee. To guard against the possibility of any interference with this principle of equality through the assumption of powers not granted, which might be wielded to its modification, or

destruction, they subsequently adopted an amendment of the Constitution, which declares that "the powers not delegated to the United States nor prohibited to the States are reserved to the States respectively, or to the people." That equality is now at an end. Ten of the States and their people are not only not admitted to equal rights with the rest, but, as far as the legislative department is concerned, are denied them, and subjected to mere military rule. The consequence is that the whole potential wealth of those States is, and will be, as long as the present state of things continues, lost to the nation. Its great staples of sugar, rice and cotton, which, in the past, so materially contributed to the general welfare, are not, and cannot be produced. They nerved the arm of industry in all the other States as much as, if not more than, in the South. They enriched commerce—supplied the needs of the manufacturing industry of the East, furnished the best market for its products, gave employment and remunerative wages to its employees, and increased the revenue of the country by increasing its imports. As long as this political disorganization remains, the more destructive will it be to the interests of all. What has brought the country into this predicament? The answer is obvious. It is the course which the legislative department has pursued. Without meaning to impute unpatriotic motives to it, or indulging in vituperation, generally unjust and always undignified, but assuming that it has acted from an honest error, it cannot, the author believes, be doubted that that course has been the cause of the present trouble. The war terminated more than two years and a half since, with complete military success. It grew out of the insurrectionary attempts of the people of the South. To suppress such attempts Congress, by the Constitution, is vested with the power to suppress insurrections by military force. For this purpose they can call out the militia and use the army and navy; and long before the recent insurrection, laws were passed under this authority. The design of this power was to maintain the integrity of the Union, and not under any circumstances to impair it. It was preservation and not destruction which was

aimed at. To construe a power to preserve into a power to destroy is a glaring absurdity. And yet what has been, and is being done by Congress, exhibits this absurdity. They did call out the militia and used the army and the navy for the suppression of the insurrection; that suppression has been attained; no armed or other resistance to the Constitution and laws of the United States exist anywhere; and yet, the Union, which the insurrection for a time suspended, continues suspended. Was such a result as this contemplated by the authors of the Constitution? Was it contemplated in the early days of the insurrection? That it was not contemplated by the former is clear from what has been already stated; that it was not contemplated in the latter is equally clear. For in July, '61, Congress passed, by an almost unanimous vote, a resolution disavowing any purpose of conquest or subjugation, and on the contrary declaring that the sole object was "to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired." Has the Union been preserved? Have the States which were in insurrection been preserved? Are they, in the language of that resolution, now in the possession, unimpaired, of their "dignity, equality and rights?" We know that they are not. If the policy of restoring them to their enjoyment inaugurated by Mr. Lincoln with the almost unanimous approval of his party, and which Mr. Johnson has endeavored to carry out, had not been interfered with by Congress, the States would long since have been in their full enjoyment. This, it is believed, no candid, sensible man will question.

II.—The ground upon which Congress claims the power, which it has exerted of holding the Southern States as conquered and subjugated, and legislating in regard to them as such, is that the insurrection, before it was suppressed, assumed such proportions as made it a war, and brought it within the war power, vested in that body by the Constitution. That this is an error is obvious. The power to declare war, and the power to provide for the suppression of insurrections,

are, in their very nature, distinct powers. The one looks exclusively to hostilities with foreign nations, the other to disturbances at home, and they are so treated in the Constitution. Congress is vested with the authority to declare war, "raise and support armies and provide and maintain a navy." If these powers were intended for cases of insurrection, the conferring upon Congress any other authority for that end would have been mere surplusage. And yet, in the same section of the Constitution vesting these—the power is expressly given to call out the militia to suppress insurrections. At the beginning of the recent insurrection it was universally conceded that when it should be suppressed the Union would be, as it was before—composed of States of equal dignity and entitled to equal rights. The insurrection, however, became so formidable that, upon grounds of humanity, as well as to give to the Government the means to assist in its suppression, belligerent rights were conceded to the insurrectionists. Humanity demanded that this should be done, in order to save the butchering of prisoners. If our Government had executed those captured by its forces, the Confederate authorities would have retaliated. Such a result would have answered no good purpose towards suppressing the rebellion, and would not only have lacerated the feelings of our own people, but shocked the public sentiment of the world. Congress, therefore, and the President, wisely and with the best motives, recognized belligerent rights in the insurrectionary government. And such concession at the same time gave to Congress the authority to exclude neutral nations from all intercourse with the South. As far as such nations were concerned, Congress properly claimed the rights of war, and upon that claim declared the blockade of the Southern ports, and provided for the capture of vessels and their cargoes attempting to violate it. Such captures were made and adjudged to be lawful by our prize courts. This greatly aided the Government in bringing the insurrection to a close. In the first of these, called the prize cases, decided by the Supreme Court of the United States, the opinion contains one or two passages which have been relied

upon as justifying Congress in considering the States in question as conquered provinces. This ground has been maintained with confidence in both Houses. The rest of the opinion, the author thinks, shews very plainly that the court did not design to announce any such doctrine. No case has since been before that tribunal calling for any correction of the misapprehension. In one, however, before Mr. Justice Nelson, (a member of that Court,) occurring since the termination of the rebellion, involving the personal rights of a citizen of South Carolina, he ruled that "the constitutional laws of the Union were thereby enjoyed and obeyed, and were as authoritative, and binding over the people of the State as in any other portion of the country." This view is plainly inconsistent with the pretense that the South is now a conquered territory.

The Judge places South Carolina upon the same footing, as far as her rights and the rights of her people are concerned, as New York or any other of what were the loyal States. Since that ruling one has been made by Chief Justice Chase, in June, 1867, in which that Judge refers to the opinion in the prize cases, and evidently treats the pretense that the Court intended to decide that the Southern States were not now equal States in the Union, to be unwarrantable. The case was this: A citizen of North Carolina was indebted on a promissory note to a citizen of one of the States loyal during the insurrection. Pending the insurrection, by force of a law passed by the Government *de facto* of North Carolina confiscating such debts, the debtor was compelled to pay it to the agent of that State, and he relied upon that payment as his defense. In his opinion the Chief Justice says, "To maintain these propositions, the counsel for the defendant rely upon the decisions of the Supreme Court of the United States to the effect that the late rebellion was a civil war, in the prosecution of which belligerent rights were exercised by the National Government and accorded to the armed forces of the Rebel Confederacy, and upon the decision of the State Courts during and after the close of the American war for independence, which affirmed the validity of confiscations, and sequestrations decreed against the property of non-resident British subjects

and the inhabitants of colonies or states hostile to the United Colonies or United States.” “ But these decisions do not, in our judgment, sustain the propositions in support of which they are cited.”

“ There is no doubt that the State of North Carolina, by the acts of the Convention of May, 1861, by the previous acts of the Governor of the State, by subsequent acts of all the departments of the State Government, and by the acts of the people at the election held after May, 1861, set aside her State Government and Constitution, and connected under the National Constitution, with the Government of the United States, and established a Constitution, and Government, connected with another pretended Government set up in hostility to the United States, and entered upon a course of active warfare against the National Government; nor is there any doubt that, by these acts, the practical relations of North Carolina to the Union were suspended, and very serious liabilities incurred by those who were engaged in them.”

BUT THESE ACTS DID NOT EFFECT, EVEN FOR A MOMENT, THE SEPARATION OF NORTH CAROLINA FROM THE UNION, ANY MORE THAN THE ACTS OF AN INDIVIDUAL WHO COMMITS GRAVE OFFENCES AGAINST THE STATE BY RESISTING ITS OFFICERS AND DEFYING ITS AUTHORITY, CAN SEPARATE HIM FROM THE STATE.”

In referring to the legal effect of conceding belligerent rights during the war to the Confederate Government, and to the decision of the Supreme Court, the Chief Justice further said: “ In the prize cases the Supreme Court simply asserted the right of the United States to treat the insurgents as belligerents, and to claim from foreign nations the performance of neutral duties under the penalties known to international law. The decision recognized, also, the fact of the exercise and concession of belligerent rights, and affirmed, as a necessary consequence, the proposition that during the war all the inhabitants of the country controlled by the rebellion, and all the inhabitants of the country loyal to the Union were enemies reciprocally each of the other. BUT THERE IS NOTHING IN THAT OPINION WHICH GIVES COUNTENANCE TO THE DOCTRINE WHICH COUNSEL ENDEAVOR TO

DEDUCE FROM IT—THAT THE INSURGENT STATES, BY THE ACT OF THE REBELLION, AND BY LEVYING WAR AGAINST THE NATION, BECAME FOREIGN STATES, AND THEIR INHABITANTS ALIEN ENEMIES.” In this view of the opinion of the Supreme Court the Chief Justice no doubt has the concurrence of all his associates on that bench. Since he became its Presiding Judge the subject has been several times discussed by counsel; and although the Court has not deemed it proper to decide it in any subsequent case, the point must necessarily have been considered by them in consultation, and their views in that way have become known to the Chief Justice. Indeed his language in the Carolina case shows that he must speak from positive knowledge as to what the Judges really meant. “There is nothing,” he says, “in that opinion which gives countenance to the doctrine which counsel endeavor to deduce from it—that the insurgent States, by the act of the rebellion, and by levying war against the nation, became foreign States, and their inhabitants alien enemies.” Now, if they were States as he holds them to have been during the war, and not foreign States, they must have been States of the Union, and as nothing has occurred since the termination of the war to change their character, they must be such States now. The ordinances and other acts of North Carolina, in the words of the Chief Justice, merely “suspended” “the practical relations” of that State to the Union. Those ordinances and acts being now themselves annulled by the result of the war and the acts of her citizens, suspension caused by them necessarily terminates, and the prior relations of the State are restored, and she and her citizens entitled to all the rights, and bound by all the duties, as at first. But the doctrine itself which Congress seems to have adopted toward the Southern States, that by the result of the war they are not States, but territories subject to the unlimited power of Congress, cannot be supported upon any constitutional or other theory. The idea of conquest, by a government, of its own territory is ridiculous. The idea that any department of the Government of the Union has any other powers than those conferred by the Constitution is equally ridiculous. That Government had no existence before

the Constitution was adopted ; it came into being solely under and by virtue of that instrument ; all its powers are granted by it. This being the case, how can it be, that under any circumstances, as long as the Constitution remains unchanged by the authority creating it, the Government can exercise powers not delegated. This can only be done by its making a conquest of the Constitution itself, which, if possible, is more absurd than a conquest of its own territory. If that could be done, it would become but a Government *de facto*, without any other restraint than its own will, which would be tyranny, for whether, unlimited power is in many men, or in one man, is immaterial. Tyranny is unlimited power, and its character is not changed by the number of persons who may exercise it. And yet the claim which Congress makes to legislate for the Southern States is without any limitation. They have subjected them to the military power, which they assume is, for such a purpose, within their unrestricted control. They not only disregard the Constitution as the charter of their powers, but the constitutions of the Southern States. They are not only not acting under any authority derived from the people of the United States, but in direct contravention of the known will of the people of the South. It is true that some of the members of the dominant party, in and out of Congress, justify legislation upon constitutional grounds, but Mr. Stevens, of Pennsylvania, who has in the public judgment become the master of his party in the House of Representatives, is guiltless of such a folly. In a letter of his, recently published, with the frankness and boldness which belong to him, he rejects the absurdity and places the authority of Congress upon some ground outside of the Constitution, and admits that it has no warrant whatever, under any of its delegated powers. If he is right, then it follows that as far as regards the South there is no other restriction upon the legislation of Congress than its own discretion. It may consequently treat all the Southern States as having no existence whatever, as States, and govern them, through all time, as territories, or constitute the whole in one or as many States as they may think proper, and with such powers and

rights as they may choose to confer. They may, of course, if they make States at all of them, deny them equality of representation in the Senate, or any representation there, and deny them also representation in the House of Representatives. They may also deny them the benefit of the judicial department of the Government, and citizens of the other States the right to sue their people in the courts of the United States. They may keep them altogether out of the Union formed by the Constitution, and make them a Confederacy of themselves, under such a Constitution (if the term can be so profaned) as Congress may from time to time grant them. They may also refuse their people some or all of the guarantees of personal liberty secured by the Constitution of the United States, may suspend at will the writ of habeas corpus, declare martial law in time of peace, grant titles of nobility, authorize such States to pass laws impairing the obligation of contracts, make any currency a legal tender, regulate commerce without regard to the restraints on that power in the Constitution, and, in a word, may rule them more absolutely than the Government of Spain was wont to rule her colonies, and infinitely more so than England endeavored to rule this country before '76—an endeavor which our fathers thought justified and required resistance by force of arms to establish themselves as an independent nation—a course which has long since received the sanction of all other nations, including England herself.

Consequences, such as these, legitimately following the Congressional doctrine, should cause it to be sternly condemned by every lover of constitutional liberty. But, even if the power which it involves was not obnoxious to every idea of such liberty, and could be vested anywhere with safety, Congress, particularly the House of Representatives, is not the body to possess it. Its very number diminishes the responsibility of individual members, whilst it makes them subject to the influence of popular passions, or the whims and caprices of the hour. The whole current of history proves that such a body is not a safe depository of unlimited power. The authors of the *Federalist* so thought and maintained the necessity

of giving it only certain prescribed powers and subjecting the exercise of these to the restraints of the judicial and executive departments. In one of the numbers of that work Mr. Madison says, nearly in terms, that the tendency of such a body is at times to become a mere mob, and refers to historical instances to prove it. Its course during the last few years, in the judgment of many considerate citizens, has shewn that in this respect history has repeated itself.

III.—So far, the authority exercised or claimed by Congress has been considered under the war power and upon the ground taken by Mr. Stevens that it is outside of the Constitution. Let us now see whether it has any warrant under any *other* power known to that instrument. In the deliberations of the Convention which framed it, it was conceded by every member who took part in the debates, that the Government, and especially Congress, was to be one of strictly delegated powers. That this delegation was to be made by an enumeration, and that no power, not enumerated would belong to it, but, on the contrary, was prohibited. This, as a rule of construction, was held to be the true one by every writer during the interval of the submission of the Constitution to the people of the States for adoption or rejection, and was also so held without dissent in all the conventions in the States by which it was adopted, and has since, in every court, State or federal, been decided, to be the correct one. With this rule for our guidance, under which of the delegated powers does Congress possess the authority which it has exercised or claims? That of war has already been considered. The only other one is that “the United States shall guarantee to every State a republican form of government.” Under this authority or duty it is said that Congress may, not only in the States which were in insurrection, but in all the other States, regulate the right of suffrage so as to make the government of the State in form republican, according to their views of what that form is. That form they hold cannot exist without universal suffrage; and therefore assert the power to legalize such suffrage. Against this pretense the fact is conclusive that no such extension of franchise

existed in the States by whose people the present Government was formed. To suppose that this clause of guarantee was designed to give such a power to Congress is to suppose that the framers of the Constitution, sent to the convention by their several States, intended to admit that their Governments were not republican. And the absurdity of this inference is, if possible, the more manifest from the fact that from the organization of the Government to the last few years, no such doctrine was broached in or out of Congress. Its author is Mr. Sumner, a Senator from Massachusetts. He has now a bill before the Senate to carry it out. It regulates suffrage in all the States, without regard to property, race or color.

He maintains therefore that even his own State Government is not republican, for she has never authorized any such unlimited right. But we are not left for the refutation of such a doctrine to general reasoning. The meaning of the clause was stated by Mr. Madison in the 44th number of the *Federalist*; he says that "it supposes a pre-existing Government of the form which is to be guaranteed." No intimation was given by him or by any one in those days, or since, until the coming of the Sumner era, that the clause was designed to give to Congress the power to interfere with suffrage in the States, or that the States then about to create the Union had not Governments of Republican form. It was indeed to these very Governments that the clause was to apply. It was to secure to the people of such States a continuing right to their enjoyment. If it had been suggested by any member of the Convention that the Governments of Massachusetts and Virginia were not republican because there was in each but a restricted suffrage, it would have been pronounced a libel by Adams and Madison, and rejected as insulting to the patriots by whom all the then State governments had been established. Indeed, at that time the danger to republican liberty was thought to be in an excess of the Democratic principle, and that this danger would be the more or less imminent as suffrage was the more or less restricted. It is believed that in all the States, besides age, residence and sex, a property qualification was required, and that, in all, a

property qualification, and to a considerable amount, was required of the persons to be elected to their Legislatures and Executives. Certainly no one then even imagined that this made them anti-republican. The fact is that the republican form mentioned in the clause was used to distinguish it from the monarchical or aristocratic form. What Congress is to guarantee is not a republican Government, according to its idea as to what such a Government is, but merely that the *form* shall be republican. This language shows that in the judgment of the convention and of the people in '89, the *then* Governments of the States were Governments of that form. There may be *republics* more or less democratic. The purpose of the clause was simply to provide that the mode of constructing the State Governments should be republican, and not to prescribe the extent to which the democratic principle must be carried. Any other interpretation would empower Congress to constitute Governments for the States without the sanction of their people—a power never before claimed, and totally inconsistent with every view heretofore entertained of the rights, in this respect, of the people of the States. The doctrine also would be as intolerable in practice as it is unwarranted by the Constitution. That it is so unwarranted is too clear for cavil. The only clause of the Constitution which relates to the subject of suffrage is that, in the choice of representatives, the electors shall have “the qualifications requisite for electors of the most numerous branch of the State Legislature.” it is evident from this that the States were to be left to regulate the franchise for themselves without the interference of Congress. It was a matter in which they were chiefly concerned. Their houses of delegates were to legislate for their peculiar domestic interests, and, upon every principle, the people of the States should have the sole power of prescribing the mode and the parties to select them. Can anybody imagine that the men of '89 would have consented to part with that power? Certainly no such proposition was made at that period or has been made anywhere until within these latter days. It follows also from this that the republican form of Government, to which the clause in

question relates was not considered as dependent in any degree upon the State regulation of suffrage. What was meant, was that the Government should be of a representative character. That character was irrespective of the extent of the franchise. Whether allowed to all males, without regard to age or other qualifications, or to all females as well as to males, was immaterial. The whole was left by the Constitution to the States, as absolutely as it was before possessed by them.

But, would it not also be intolerable in practice? From the beginning of the Government to the present day, each State has exercised the power for itself, and each has prospered. In that prosperity all have participated. Each has shown itself competent to use it so as to promote its own interest. How would it be if they should be deprived of it, and the power exercised by Congress? How can the people of such States as California, Oregon, Nevada, Nebraska, possibly know in what manner suffrage should be regulated in New York, Pennsylvania, Ohio or Illinois, to say nothing of the Southern States. And yet, if the doctrine prevails, the voice of their Representatives in the Senate, will be as potential as that of their Senators. If this shall be held to be the meaning of the Constitution it will require no argument to prove that the general Government is not republican. The domestic concerns of each State will then be managed by Representatives chosen by persons selected by Congress. For, whether they are elected directly by the latter or by voters authorized to act by that body, the result is the same. The direction of their own internal business, a right which is expressly reserved to the States by the Constitution, will be practically with Congress. Again, the Sumner meaning of the clause would require of Congress to interfere with the Governments of the States upon any grounds upon which it might believe that their Constitutions were not republican. For example, if they fail to provide for a general system of education, the support of the indigent and deserving, the maintenance of religion, the restraint of intemperance, or, if they grant charters of incorporations to enure specially to the benefit of the corporations, it would be under this theory, the duty of Congress

to interfere, if in its judgment, these acts or omissions were inconsistent with republican Government. It has indeed, already, been stated in the Senate by a member of ability, that Congress has a right to provide for a system of education under the clause in question, because, in his view, a republican Government cannot exist where the people are uneducated. With the same force, if not greater, it may be maintained that it cannot exist where the people are not virtuous, and upon that ground Congress will be bound to take care that the States shall Legislate so as to render their people virtuous. They must therefore provide for the support of religion, the inculcation of morality, and the prohibition of all business, which they may think tends to destroy or weaken the virtue of the people. They may therefore prohibit or insist that the States shall prohibit the manufacture or sale of intoxicating drinks. They may decide that monopolies are also hostile to freedom and inconsistent with republican Government. Upon this pretence they may insist upon the repeal of all State Charters of every description, and say to the States that they must of themselves, (because—in that, all their people will equally participate in the profit,) become insurers, bankers, railroad and canal proprietors, and engage directly in every business enterprise now entrusted to chartered companies. Can any mind, however unhinged by fanaticism or humanitarianism, believe that such a power as this was contemplated by our fathers? And yet, logically considered, if Congress has the power under the guarantee clause to regulate suffrage in the States, in order to make their Governments republican, it has the right to legislate to the extent stated. Indeed, if the power as to suffrage is in Congress, it is difficult to place any limit upon their authority. They are to judge what State Government is in form republican. It is contended that the Constitution does not define the terms and consequently that Congress has a right to decide for itself what that form is, and if any one of such Governments varies from it they must interfere. No reasoning will more effectually lead to a consolidation of all the powers in Congress, which, heretofore, by the framers of the Constitution and their descendants without a dissenting voice, have been conceded to be in the States exclusively. So far were the authors of the Constitution, from

favoring such a consolidation, that they thought it would be fatal to freedom. To guard against this danger they expressly reserved to the States and to their people, by the 10th amendment, every power not delegated to the general Government. If such consolidation was then hazardous, because leading to despotism, over a country and population as limited as these were in 1789, how much more hazardous is it now, when our limits extend from ocean to ocean and the number of States has more than doubled, and our population instead of being three millions is nearly if not quite forty, and before the end of the century will probably be from eighty to one hundred millions. To rule a territory so vast and a people so numerous, by a single free Government, however constituted, is wholly impracticable. Nothing but gross folly can believe otherwise. Such an attempt must fail, anarchy be the first consequence, and to avoid that worst of all conditions, refuge would be sought in military power, which would be pure despotism.

In one particular some of the great men of '89 are now proved to have been in error. Their fears expressed in the national and State conventions were that the danger of usurpation of powers not delegated, involving the rights of the people, and the authority of the other departments, was in the Executive. They entertained no such apprehension in regard to Congress. Our history shews that such fears were unfounded. The Executive in no instance has attempted to wield any power delegated to Congress, or to exert any not included in the grant to itself—that is to say—no power not expressly conferred upon the Executive, or which was not in its nature executive. But there were fears entertained by some that such usurpations would be attempted by the legislative department. This it was supposed was incidental to the very nature of its organization—in its number—and its more popular character in one branch. The experience of the last few years has served greatly to confirm these apprehensions. Congress, and especially the House, has exercised or claimed almost every executive power, and attempted to deprive the Executive of nearly

every one vested in him. They have undertaken to govern, without regard to him, the army and navy; to deny him the right to remove officers—a right exercised by every President, from the beginning of the Government, including Mr. Lincoln, and one without which the President cannot perform the duty expressly commanded of him, to take “care that the laws be faithfully executed,” or fulfil the obligation of his official oath, to “preserve, protect and defend the Constitution of the United States.” They have also established, by their own will and against his protest, absolute military despotism in ten of the States of the Union—destructive alike of every authority reserved to the States by the Constitution, as well as every individual right of life, liberty and property, reserved in the same way to their people. If these usurpations receive, for any length of time, the approval of the people, the Constitution will be at an end, and individual freedom a mere idea of the past—the hopes of our fathers blasted—the struggle and blood of the revolution fruitless—the American people slaves, and the cause of constitutional liberty postponed for ages, if not forever lost.

IV.—There are other powers claimed by Congress, also, full of hazard, which have heretofore been universally held to belong to the States. Under the powers to regulate commerce among the States, and to establish Post Offices and Post Roads, some of the leaders of the dominant party assert the right of Congress not only to construct Canals and Roads in the States without their consent, but to modify any State charter under which such improvements have been or may be constructed, and to discharge the companies, so chartered, from any restrictions in their charters which Congress may think interferes with the proper regulation of such commerce. That such a power, if it exist, is in its very nature fatal to the authority of the States in these matters is obvious. From the beginning of the Government until now such a power as this in the United States was never pretended. At one time, it was held by a political party of the day, that the general Government with the consent of the States, through which the

roads or canals were to pass, might provide for their construction. But no political dreamer ever thought that they could interfere with the rights of the States to charter companies for the purpose, or to repeal or modify such charters. If such a power be now recognized, the internal improvements of every State, upon which hundreds of millions of dollars have been expended, and which are now contributing greatly to their internal commerce, their revenues and individual wealth, will be at the mercy of the general Government. Under the commercial power they may deem it necessary to interfere by legislation with the regulations under which such improvements are managed, may diminish or increase the tolls the States authorize, and thus in some instances destroy their revenues and the interest of the individual stockholders. They may indeed take away the right to exact tolls, and declare the use of such improvements free to all. Will New York, Pennsylvania, Ohio, and Illinois, for a moment tolerate such a doctrine as this? If they do, they will give a blow which will be, if not fatal, of almost, ruinous consequences to themselves and their people.

Under these assumptions of power the country has been brought to its present condition. The debt contracted during the war is enormous. The payment of the last dollar of it is demanded by the justice and honor of the nation. Every measure adopted or contemplated by Congress which injuriously affects its ability to do this, can not be too strenuously deprecated. What can more seriously have this effect than a continuance of our present disorganized condition? Whilst these Congressional claims weaken confidence in the perpetuity of our Union they greatly increase our expenses—diminish our means of paying the debt, and render necessary much heavier taxation upon the people than would otherwise be required. Besides these results there is another, and even more mischievous one. They keep alive a spirit of hostility and bad feeling between the people of the South and of the North, which must act detrimentally to the good of all. To that good, fraternal affection is absolutely necessary. Without it we will

continue to be, as during the war, enemies, instead of being, as we should be now that the war is ended, friends. The only way of correcting this sad state of things is for the people to dismiss from power at the earliest moment, the servants who maintain the constitutional doctrines herein contested, and to select others who will administer the Government in the spirit, and under the constitutional restraints which guided our fathers. It must gladden the hearts of all considerate patriotic citizens, that the recent elections demonstrate that this is about to be done. In the Pacific, East, West and Middle States, this has been manifested. The people of all sections are evidently determined on having this result. Impelled during the war by a noble resolution to maintain at all hazards our national unity, and impressed with a conviction that the Republican party could alone be relied upon for that end, they gave to that party their support. The motives which governed them were so vitally connected with our very existence and so engrossed them that they failed to see, during the continuance of the conflict, how dangerous to State authority and individual liberty were some of the doctrines and measures of that party. But now, when the clamor of war is no longer heard, when it has ceased to resound throughout the land and perfect peace has been restored, they are indignant that the fruits of the war, for which they so anxiously looked, are not enjoyed. They witness a still distracted and disunited country; in the South, their brethren are in a condition as calamitous as that of the people of Poland ever was; they see them still treated by Congress as enemies; subjected to the harshest legislation—their recent slaves, in a condition for the most part of total ignorance, practically made their masters—vested almost exclusively with all State authority by being given the elective franchise, and they denied it. They see them without representation in Congress, their industry at a total stand, their fields uncultivated, and the promise held out to them in the beginning of the insurrection, that on its termination they would be received as citizens and allowed the same political and social rights which they possessed before, grossly violated; the expenses of the government in consequence greatly enhanced,

and no prospect of the restoration of those States to the Union, except as Africanized with Senators and Representatives in Congress of that race, and a claim made to place the negro in every State upon an equal footing with the white man, by giving to him the elective franchise and the right to hold office, not only in all federal, but in all State elections ; and, finally, continuing and persevering efforts to deprive the President of every power conferred by the Constitution upon that department, for the double purpose of checking the unconstitutional legislation of Congress, and enabling him to enforce a faithful execution of the laws—and threats made by some of its leaders, under the power of impeachment, not only to impeach him upon charges of which the people know nothing, but to suspend him from office during the trial, and appoint another in his stead—a measure which nothing but his patriotic forbearance can prevent from terminating in another civil war. Is it to be wondered at, that, under all these circumstances, the people are at last aroused, and resolved on ceasing to confide longer in so dangerous a party. Let it not, however, be believed that this indicates the mere triumph of another political party. In the words of a popular journalist, it is “nothing but the march of the intelligence of the land to *our* political rescue.” That march is evidently onward, not to be checked or arrested until such rescue is achieved. The moral taught by the recent elections is, that the reasons which caused the people to resort to arms to preserve the Union from the attempt to destroy it by force, have impelled them to resort to the ballot-box to preserve from destruction the Constitution which created it, and under which alone it can permanently endure.

When this shall be done, kindness and forbearance towards our brethren of the South will at once be exhibited ; instead of thwarting the humane policy of the President, he will be encouraged to pursue it even more generously, and then will be seen the never failing results of such a policy, at the termination of civil war, as illustrated by all history. When such a war is ended the successful government, in the language of the Chief Justice in the North Carolina case, “addresses itself

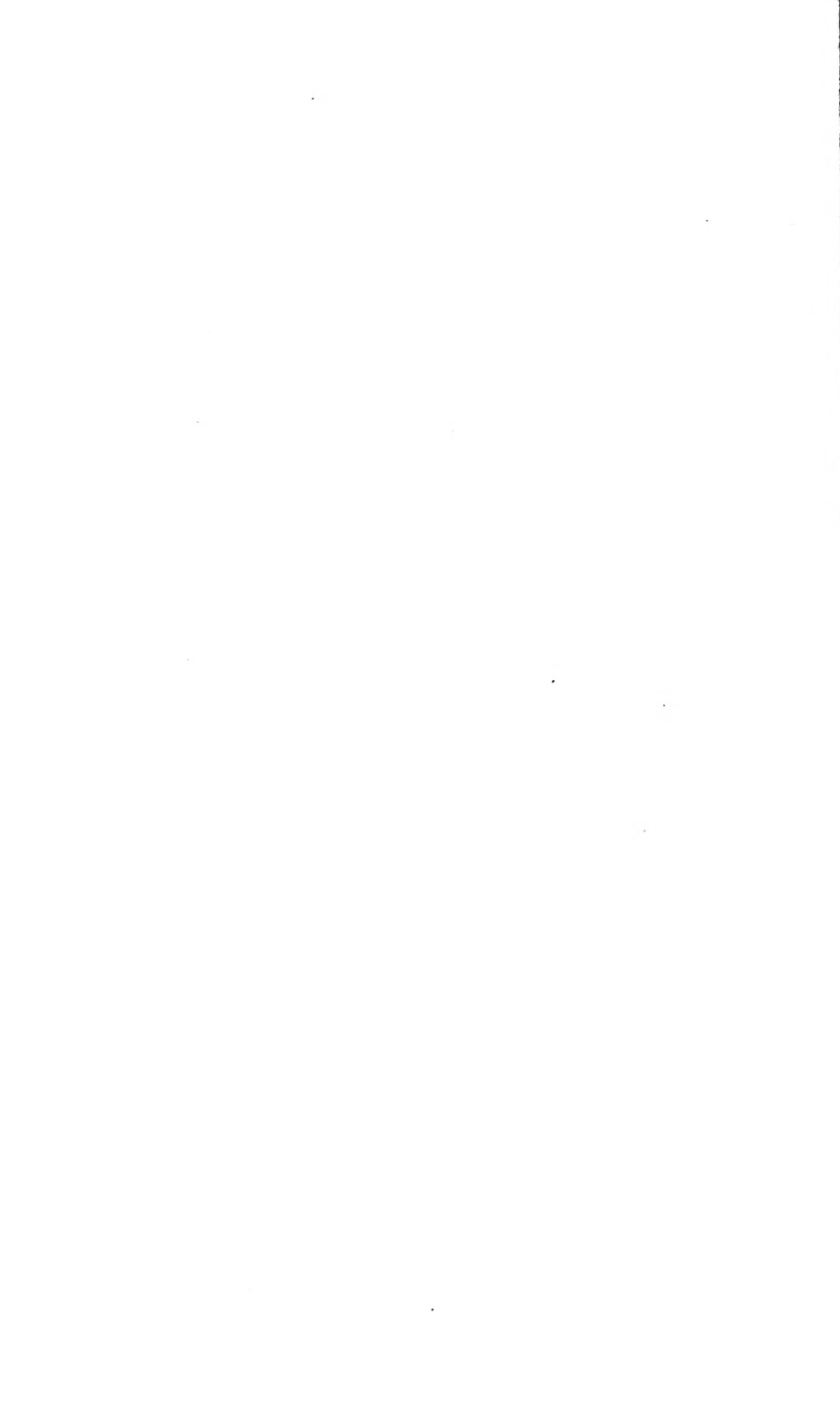
mainly to the work of conciliation and restoration, and exerts the prerogative of mercy rather than that of justice." In such a case it may truly be said that the duty of forgiveness is written by the hand of God upon the human heart. Man was not born to hate his fellow-man. Such a feeling would make peaceful society impossible. It could not for a moment exist. And if there be in any individual such a feeling, he who is cursed with it "lives without joy, and dies without hope." Let the people then see to it that the Southern States be restored to all their rights at the earliest moment. Let them rebuke the men who would prevent it, and condemn the radicalism of the day.

Radicalism has never any settled, wholesome or generous policy. As described by the American essayist, Emerson, "the spirit of our American radicalism is destructive and aimless—it is not loving—it has no ultimate ends—but is destructive only out of hatred and selfishness." It may, and doubtless is true, that many of those who advocate the radical measures of the day are governed by a conviction of duty; but it is nevertheless true that the spirit which guides them, without their being aware of it, is that stated by Emerson—hatred towards the South—selfishness in themselves. That a party so animated is unfit to govern the country must be clear to every reflecting and honest man, who, discarding prejudice and party influence, shall decide as his judgment and love of country may dictate.

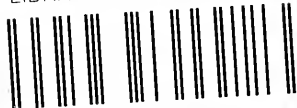
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